

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claim 14 will have been canceled and claims 12, 13 and 28 will have been amended. Accordingly, claims 12, 13 and 15-50 will be pending with claims 12, 42 and 49 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner objected to claims 13, 14 and 28 as containing informalities. The Examiner also rejected claims 12-41, 44-48, and 50 as indefinite. Finally, the Examiner rejected claims 12-50 over the art of record. By the present amendment and remarks, Applicant submits that the objections and rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Interview of April 4, 2007

Applicant appreciates the courtesy extended by Examiner Prakasam and Supervisor Crawford in the Interview of April 4, 2007.

In the interview, Applicant's representative pointed out that e.g., claim 12, is not disclosed or suggested by the applied document. It was specifically emphasizes that what the Examiner identifies as the first movable element 1 in LECRIVAIN moves relative to the carriages 5 (i.e., what the Examiner characterizes as the recited support) vertically via the

jacks 4. However, the movement of the so-called first movable element 1 does not cause the first movable element 1 to move horizontally and vertically. In fact, in LECRIVAN, the jacks 4 cause vertical movement of the member 1 which in turn causes vertical movement of the pads 25 fixed to the member 1. While it is true that the member 1 moves with the carriages 5, e.g., horizontally via actuator 64, member 1 does not slide relative to the carriages 5 during movement of the carriages 5. Furthermore, when the member 1 moves vertically, this movement does not cause the first movable element 1 to move horizontally and vertically. Instead, it causes only the vertical movement of the member 1 and the pads 25.

Applicant's representative also pointed out that, e.g., claim 12, additionally recites that the second movable element is adapted to slide relative to the first movable element, and that LECRIVAN merely teaches to fix the pads 25 of the stations (what the Examiner characterizes as the recited second movable element) on the member 1 (what the Examiner characterizes as the recited first movable element).

The Examiner explained that she would reconsider the prior art rejection after again reviewing in detail the disclosure of LECRIVAN.

The Objection to the Claims is moot

Claims 13, 14 and 28 were objected to on the basis of asserted informalities.

More specifically, claims 13 and 14 were asserted to recite the same subject matter.

By this Amendment, claim 14 has been canceled. Accordingly, this basis of objection is believed to be moot.

Claim 28 was asserted to contain a typographical error regarding the term "slidable". By this Amendment, claim 28 has been amended to replace this term with the more proper term "slidably" as correctly suggested by the Examiner. Accordingly, this basis of objection is believed to be moot.

35 U.S.C. §112, 2nd paragraph, Rejection

Claims 12-41 were rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite.

More specifically, claims 12-14 were rejected as indefinite because they recite features which lack proper antecedent basis. By this Amendment, claims 12 and 13 are amended to provide proper antecedent basis for the features correctly identified by the Examiner as lacking the same. Claim 14 has been canceled. Accordingly, this basis of rejection is believed to be moot.

Applicant respectfully disagrees, however, that claims 41, 44-48 and 50 are indefinite or properly rejectable because they "recite both a product and a process in the same claim." First of all, the noted claims are process claims which depend from product claims. As such, the Examiner is not correct that Applicant has recited "both a product and a process in the same claim" (emphasis added). Second, it is not *per se* improper (and certainly not a proper basis of indefiniteness) to present process claims which depend from product claims. Indeed, the MPEP, and specifically MPEP 821.04(b) specifically allows for this by explaining that "... process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder. All claims directed

to a nonelected process invention must depend from or otherwise require all the limitations of an allowable product claim for that process invention to be rejoined" (emphasis added).

Traversal of Rejection Under 35 U.S.C. § 102

Applicant traverses the rejection of claims 12-50 under 35 U.S.C. § 102(b) as being anticipated by US Patent Application Publication No. 2002/0056608 to LECRIVAIN.

The Examiner asserted that this document discloses all the features recited in these claims including the recited first and second movable elements. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, a first movable element being slidable relative to the support in a reciprocating manner such that the reciprocating movement of the first movable element causes the first movable element to move horizontally and vertically and a second movable element supported by the first movable element and being adapted to slide relative to the first moveable element in reciprocating manner, as recited in independent claim 12 inter alia, a plurality of jacks coupled to the support, a first movable element adapted to slide within a channel of the support, the first movable element being movable in reciprocating manner such that the reciprocating movement of the first movable element causes the first movable element to move horizontally and vertically, a second movable element adapted to slide within the channel of the support, and the second movable element slidably engaging the first movable element and being movable in reciprocating manner towards and away from the

first movable element, as recited in amended independent claim 42; and inter alia, a plurality of jacks arranged to lift the support, a first movable element adapted to slidably engage the support, the first movable element being movable in a reciprocating manner such that the reciprocating movement of the first movable element causes the first movable element to move horizontally and vertically, a first actuating device structured and arranged to move the first movable element in opposite directions, a second movable element adapted to slidably engage the support and the first movable element, and the second movable element being movable in reciprocating manner towards and away from the first movable element, as recited in amended independent claim 49.

Applicant acknowledges that LECRIVAIN discloses heavy load lifting and moving device which utilizes a movable carriage system 5 having jacks 4 which vertically lift and lower a member 1 having support pads 25. However, as was pointed out in the Interview, what the Examiner identifies as the first movable element 1 in LECRIVAIN moves relative to the carriages 5 (i.e., what the Examiner characterizes as the recited support) only vertically via the jacks 4. The vertical movement of the so-called first movable element 1 in LECRIVAIN, however, does not cause the first movable element 1 to move horizontally and vertically. In fact, in LECRIVAN, the jacks 4 cause vertical movement of the member 1 which in turn lifts the pads 25 fixed to the member 1. While it is true that the member 1 moves with the carriages 5, i.e., horizontally via actuator 64, member 1 does not, for example, slide relative to the carriages 5 during movement of the carriages 5. Furthermore, when the member 1 moves, i.e., vertically, this movement does not cause the first movable element 1 to move horizontally and vertically. Instead, it causes only the

vertical movement of the pads 25, which are fixed to the member 1.

Claim 12, additionally recites that the second movable element is adapted to slide relative to the first movable element. In contrast, LECRIVAN merely teaches to fix the pads 25 of the stations (what the Examiner characterizes as the recited second movable element) on the member 1 (what the Examiner characterizes as the recited first movable element). As such, these pads 25 cannot reasonably be said to be adapted to slide relative to the first movable element 1.

Claim 42 additionally recites that the first movable element is adapted to slide within a channel of the support. In contrast, LECRIVAN merely teaches to slidably move carriages 5 (what the Examiner characterizes as the recited support) within a trench T formed in the floor of a building (see paragraph [0042]), and that the so-called movable member 1 slides over the carriages 5 (see Fig. 3). As such, it is the floor and not so-called support 5 which has a channel within which slides the member 1.

Claim 49 additionally recites that the second movable element is adapted to slidably engage the support and the first movable element. In contrast, LECRIVAN merely teaches to fix the so-called second movable element 25 to the member 1 (what the Examiner characterizes as the recited first movable element). Clearly, the pads 25 are not adapted to slidably engage the so-called support 5 and the so-called first movable element 1.

Thus, Applicant submits that the above-noted claims are not disclosed, or even suggested, by any proper reading of LECRIVAIN.

Applicant further notes that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and
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if the document relied upon does not do so, then the rejection must be withdrawn.

Because the applied document fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that any proper reading of this document fails to render unpatentable the combination of features recited in at least independent claims 12, 42 and 49.

Moreover, Applicant submits that dependent claims 13-41, 43-48 and 50 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of LECRIVAIN discloses or suggests, in combination: that the heavy load is adapted to move in the same horizontal direction as the first movable element as recited in claim 13; that at the end of the fourth phase, the first and second movable elements are arranged in the same position as in a beginning of the first phase as recited in claim 15; that relative to the first phase, the first movable element slides in an opposite direction in the third phase as recited in claim 16; that relative to the second phase, the second movable element slides in an opposite direction in the fourth phase as recited in claim 17; that the support comprises two walls for simultaneously supporting the heavy load, and a channel arranged between the two walls as recited in claim 18; that each of the two walls comprises an upper edge as recited in claim 19; that the support is elongated substantially in a direction of movement of the first movable element as recited in claim 20; that the support houses the first and second movable elements as recited in claim 21; that the first and second movable elements slide within a channel of the support as recited in claim 22; that the at least one actuating unit is

structured and arranged to assume a variable gradient relative to the horizontal direction as recited in claim 23; that the first movable element moves towards the second movable element in the first phase as recited in claim 24; that the second movable element moves towards the first movable element in the second phase as recited in claim 25; that the first movable element moves away from the second movable element in the third phase as recited in claim 26; that the second movable element moves away from the first movable element in the fourth phase as recited in claim 27; that the support comprises two walls having upper edges for simultaneously supporting the heavy load, the two walls defining between them an elongated channel, wherein the first and second movable elements slidably engage surfaces of the elongated channel as recited in claim 28; that the at least one actuating unit further comprises at least two hydraulic jacks as recited in claim 29; that the at least two hydraulic jacks are arranged horizontally to support the heavy load as recited in claim 30; that the arrangement for controlling sliding movements of the first and second movable elements comprises first and second hydraulic jacks as recited in claim 31; that the first hydraulic jack is structured and arranged to move the first movable element and wherein the second hydraulic jack is structured and arranged to move the second movable element as recited in claim 32; that the at least one actuating unit comprises at least two horizontally spaced apart actuating units as recited in claim 33; that the arrangement for controlling sliding movements of the first and second movable elements is structured and arranged to synchronise movements of the first and second movable elements of the at least two horizontally spaced apart actuating units as recited in claim 34; that the heavy load and the first movable element are adapted to move along a

direction which has the same horizontal component as recited in claim 35; that the at least one actuating unit comprises at least two horizontally spaced apart actuating units located in the vicinity of one another as recited in claim 36; that the arrangement for controlling sliding movements of the first and second movable elements is structured and arranged to synchronise movements of the first and second movable elements of the at least two horizontally spaced apart actuating units as recited in claim 37; that the arrangement for controlling sliding movements of the first and second movable elements of each of the at least two horizontally spaced apart actuating units comprises first and second actuating devices as recited in claim 38; that the arrangement further comprises a control device for synchronising movements of the first and second movable elements of each of the at least two horizontally spaced apart actuating units as recited in claim 39; that the first movable elements of the at least two horizontally spaced apart actuating units are oriented in opposite directions and wherein the second movable elements of the at least two horizontally spaced apart actuating units are oriented in opposite directions as recited in claim 40; a method of moving a heavy load using the arrangement of claim 12, wherein the method comprises arranging the at least one actuating unit beneath the heavy load and performing the first, the second, the third and the fourth phases consecutively, whereby the heavy load is moved as recited in claim 41; that the actuating system comprises first and second actuating devices as recited in claim 43; a method of lifting a heavy load using the arrangement of claim 42, wherein the method comprises sliding the first movable element along a first direction, wherein the sliding causes the first and second movable elements move in an upward direction, and wherein the heavy load is lifted from the support with the

second movable element, during the sliding of the first movable element along the first direction, ensuring that the second movable element is substantially immobilized relative to the horizontal direction, sliding the second movable element, along with the heavy load supported thereby, along a second direction such that the heavy load is caused to move upwards, during the sliding of the second movable element along the second direction, ensuring that the first movable element is substantially immobilized relative to the horizontal direction, sliding the first movable element along a third direction such that the first and second movable elements move in a downward direction, during the sliding of the first movable element along the third direction, ensuring that the second movable element is substantially immobilized relative to the horizontal direction, sliding the second movable element along a fourth direction such that the second movable element moves in a downward direction, and during the sliding of the second movable element along the fourth direction, ensuring that the first movable element is substantially immobilized relative to the horizontal direction as recited in claim 44; that the first direction is opposite the second direction as recited in claim 45; that the third direction is opposite the fourth direction as recited in claim 46; that the first and third directions are the same as recited in claim 47; that the second and fourth directions are the same as recited in claim 48; a method of lifting a heavy load using the arrangement of claim 49, wherein the method comprises sliding the first movable element along a first direction, wherein the sliding causes the first and second movable elements move in an upward direction, and wherein the heavy load is lifted from the support with the second movable element, during the sliding of the first movable element along the first direction, ensuring that the second movable element is

substantially immobilized relative to the horizontal direction, sliding the second movable element, along with the heavy load supported thereby, along a second direction such that the heavy load is caused to move upwards, during the sliding of the second movable element along the second direction, ensuring that the first movable element is substantially immobilized relative to the horizontal direction, sliding the first movable element along a third direction such that the first and second movable elements move in a downward direction, during the sliding of the first movable element along the third direction, ensuring that the second movable element is substantially immobilized relative to the horizontal direction, sliding the second movable element along a fourth direction such that the second movable element moves in a downward direction, and during the sliding of the second movable element along the fourth direction, ensuring that the first movable element is substantially immobilized relative to the horizontal direction as recited in claim 50.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(b).

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and {P25115 00165602.DOC}

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which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned attorney at the number listed below.

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